

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### Senate Bill 261

FISCAL  
NOTE

BY SENATORS IHLENFELD, ROMANO, AND WOELFEL

[Introduced February 12, 2021; referred  
to the Committee on the Judiciary; and then to the  
Committee on Finance]

1 A BILL to amend and reenact §17C-5C-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to authorizing the Office of Administrative Hearings to hear and determine appeals of the  
 3 suspension or revocation of a graduated driver's license.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5C. OFFICE OF ADMINISTRATIVE HEARINGS.**

**§17C-5C-3. Jurisdiction of Office of Administrative Hearings.**

4 The Office of Administrative Hearings jurisdiction to hear and determine all:

5 (1) Appeals from an order of the commissioner of the Division of Motor Vehicles  
 6 suspending a license pursuant to §17B-2B-8 of this code;

7 (2) Appeals from decisions or orders of the commissioner of the Division of Motor Vehicles  
 8 suspending or revoking a license pursuant to §17B-3-3c, §17B-3-6, and §17B-3-12 of this code;

9 (3) Appeals from orders of the commissioner of the Division of Motor Vehicles pursuant to  
 10 §17C-5A-2 of this code, revoking or suspending a license under the provisions of §17C-5C-1 or  
 11 §17C-5-7 of this code;

12 (4) Appeals from decisions or orders of the commissioner of the Division of Motor Vehicles  
 13 denying, suspending, revoking, refusing to renew any license or imposing any civil money penalty  
 14 for violating the provisions of any licensing law contained in Chapter 17B or Chapter 17C of this  
 15 code that are is administered by the commissioner of the Division of Motor Vehicles; and

16 (5) Appeals from an order of the commissioner of the Division of Motor Vehicles  
 17 suspending or revoking a graduated license pursuant to §17B-2-3a of this code. The Office of  
 18 Administrative Hearings shall hear and determine an appeal by a person serving a suspension or  
 19 revocation as of the effective date of the enactment of the amendments to this section during the  
 20 2021 Regular Legislative Session; and

21 ~~(5)~~ (6) Other matters which may be conferred on the office by statute or legislatively  
 22 approved rules.

NOTE: The purpose of this bill is to authorize the Office of Administrative Hearings to hear and determine appeals of persons whose graduated drivers' license has been suspended or revoked. The bill also authorizes the office to hear and determine an appeal by a person serving a suspension or revocation of an appeal as of the effective date of the enactment of the amendments to the section during the 2021 Regular Legislative Session.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.